

December 9, 2011

Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, D.C. 20510

Honorable John McCain
Ranking Member
Committee on Armed Services
United States Senate
228 Russell Senate Office Building
Washington, D.C. 20510

Honorable Howard P. McKeon
Chairman
Committee on Armed Services
United States House of Representatives
2120 Rayburn House Office Building
Washington, D.C. 20515

Honorable Adam Smith
Ranking Member
Committee on Armed Services
United States House of Representatives
2120 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairmen Levin and McKeon and Ranking Members McCain and Smith:

As you carry out the conference process for the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012, I write to express my strong opposition to the retention of any earmarks in the final conference report. While the Senate bill does not contain earmarks, the House included over 100 earmarks in its version of the NDAA, as a report my office is releasing demonstrates. The House's inclusion of earmarks in its bill represents a brazen attempt to circumvent the earmark moratorium currently in place in both the House and Senate. The Conference Committee on the FY2012 NDAA must adhere to language I successfully added to the Senate bill (Section 1085 of S. 1867) that expresses the Sense of the Senate that the earmark moratorium be fully honored.

In May, I wrote to Chairman McKeon and Ranking Member Smith raising concerns about a process the House Armed Services Committee (HASC) instituted that appeared intended to allow members of the Committee to add earmarks to its version of the FY2012 NDAA, H.R. 1540, during the Committee markup. Following an exhaustive review of the process followed in the HASC markup, my office is releasing a report which finds that 115 of the 225 amendments adopted to H.R. 1540 by HASC members were, in fact, earmarks. The earmarks added to the House bill are in clear violation of the earmark moratorium currently in place in both the House and Senate.

In order to ensure the Senate and House maintain the integrity of the earmark ban, and pursuant to provision in the Senate bill requiring the earmark ban be fully enforced, any earmark added by HASC members during the Committee's consideration of H.R. 1540 must be excluded from a

final conference agreement on the FY2012 NDAA. I have attached an advance copy of my report on the House earmarks for your consideration. The report will be released to the public next week.

Sincerely,

A handwritten signature in blue ink, reading "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" starting with a large loop and the last name "McCaskill" following in a similar style.

Claire McCaskill
United States Senator